

# Equal Access to Justice:

## An Assessment of Civil Legal Needs in New Hampshire



Report of the New Hampshire Access to Justice Commission

January 2021

# From the New Hampshire Access to Justice Commission

On behalf of the New Hampshire Supreme Court's Access to Justice Commission, and my Co-Chair, the Hon. Joseph Laplante of the United States District Court, we are pleased to present the results of this 2021 civil legal needs study. Since it was established in 2007, the Commission has worked to improve access to justice for all New Hampshire's citizens, but especially those of limited economic means. Consistent with its mission, the Commission periodically has evaluated the legal needs of the state's economically-disadvantaged citizens. This latest study is the culmination of a year-long effort to assess civil legal needs. The Commission was pleased to have sponsored this study to analyze the kinds of civil legal needs experienced by low-income Granite Staters and the obstacles they confront when seeking low or no cost legal help. This study will inform both the Commission's work and the work of New Hampshire's civil legal aid providers in their ceaseless efforts to improve the services available to their clients.



Every year, New Hampshire's civil legal system resolves thousands of disputes. These disputes often involve profoundly important issues in people's daily lives: whether their landlord can evict them; whether they can see their children; whether they receive supports to continue living at home instead of in a facility; whether they must make payments to a creditor.

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Generally, people who have civil legal problems do not have a right to low or no cost legal help. That means many Granite Staters handle civil legal problems on their own, navigating processes that are complex and intimidating. The difficulties of handling a civil legal problem without an advocate are compounded for people who do not read well, have limited English proficiency, lack transportation, or experience other challenges.

New Hampshire's civil legal aid network helps low-income people, older adults, and people with disabilities by providing free legal information, advice, and representation. Four organizations — the Disability Rights Center-New Hampshire (DRC-NH), the Legal Advice & Referral Center (LARC), New Hampshire Legal Assistance (NHLA), and the Pro Bono Referral Program (Pro Bono) — work together to help as many individuals and families as they can. But the organizations' limited resources cannot keep pace with the need for their services. This gap has only worsened due to the COVID-19 pandemic and resulting economic crisis.

The shortage of low and no cost legal help in New Hampshire means the civil legal aid network must carefully prioritize who it helps and with what kinds of problems.

The study's findings confirm much of what we already know and provide new guidance for the civil legal aid network. Low-income people, older adults, and people with disabilities frequently experience multiple legal problems at once. Poverty itself leads to many civil legal problems. For example, debt collection emerged as an area of heightened need. The study found that housing and domestic relations matters (including divorce, parenting rights, child support, and domestic violence), which are core service areas for the civil legal aid network, remain acute challenges for low-income people in New Hampshire. And while poor health, aging, and disability are not civil legal problems on their own, they often intersect with civil legal problems of various types.

The New Hampshire civil legal aid network is viewed as effective by people who use it, but the programs can do more to raise awareness about their services and make them easier to access. We were not surprised to learn that there is strong desire to expand the availability of low or no cost legal services so that fewer people are turned away when they need help.

In New Hampshire, everyone deserves equal access to justice. Civil legal aid is not the only way to level the playing field for low-income people, older people, and people with disabilities, but it is an essential tool. This civil legal needs study will help our state build an even stronger, more responsive civil legal aid network. Its findings will help guide the civil legal aid network in two essential ways. First, the findings will help the programs determine in which areas of law they should focus their resources. Second, the findings will guide the programs as they seek to maximize the reach of their services for people across New Hampshire.

This study resulted from the collaborative efforts of DRC-NH, LARC, NHLA, and Pro Bono and numerous volunteers who contributed to the report. Their work together exemplified the best of their decades-long tradition of combining forces to achieve positive results for the citizens of this state. We thank all who participated not only for the result they produced, but for the cooperative manner in which they produced it. Armed with this study, we look forward to the important work ahead.



Mark Rouvalis, Esq.

*Co-Chair, New Hampshire Supreme Court Access to Justice Commission*

*McLane Middleton, Professional Association*





# EXECUTIVE SUMMARY

- Through telephone and online surveying and online focus groups, we received **input from 964 stakeholders, including 540 people eligible for services** from New Hampshire's four civil legal aid programs.
- **Economic insecurity** is inextricably linked with civil legal problems such as **eviction, debt collection, and denial of public benefits**.
- Civil legal **problems related to rental housing and homeownership** remain an acute challenge for low-income people in New Hampshire, particularly in light of the state's **affordable housing shortage**.
- **People with disabilities** face unique civil legal problems, such as being **taken advantage of or abused**, and also experience some civil legal problems **more frequently** than people without disabilities.
- Each year, thousands of Granite Staters go to court seeking **protection from domestic violence**, and most do so **without an attorney**.
- New Hampshire has a **shortage of low or no cost legal help**, and services should be expanded so that more people can **get the help they need**.
- New Hampshire's civil legal aid programs should **increase and better coordinate outreach** to potential clients, with an emphasis on **reaching people in their own communities**.
- In 2020, **the COVID-19 pandemic overshadowed all else** and demonstrated both the potential and limitations of technology-based approaches to delivering civil legal aid.

## Mustafa and Lela's Story

The eviction notice came at the worst time for Lela and Mustafa and their 11-month-old daughter.

Lela's mother had died just a few months earlier from COVID-19, and they were both out of work. They didn't have the money to pay rent or hire a lawyer. Desperate, they contacted NHLA three days before they were to be locked out of their apartment.

"We were so scared. We were so confused," said Mustafa, who like his wife is a New American from Sudan.

"We have no other family here and nowhere else to go."

The couple didn't know the CDC had banned evictions to protect families from moving into shelters during the pandemic. But their legal aid lawyer did and fought in court to stop the eviction.

"I felt like crying," said Mustafa. "NHLA kept us from being homeless."



# METHODOLOGY

We used several methods to assess the civil legal needs experienced by low-income people, older adults (age 60 and over), and people with disabilities. Our field work was conducted during the spring and summer of 2020, after the COVID-19 pandemic had reached New Hampshire.

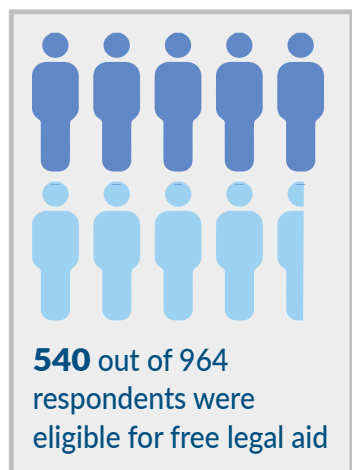
Our needs assessment emphasized gathering information and input directly from people eligible for services from New Hampshire's four civil legal aid programs — a group we refer to in this report as our “client communities.” We also sought input from health and human services providers who work with our client communities across several disciplines, as well as civil legal aid program staff and board members and the New Hampshire Access to Justice Commission. This report includes summary data and analysis. Raw data is available upon request.

We contracted with the Suffolk University Political Research Center to conduct a telephone survey of 500 people with low income living in New Hampshire. The survey was fielded in June 2020. Respondents were adults from ages 18 to over 75, with nearly 60 percent aged 46 to 75. Forty-four percent identified as male; 56 percent identified as female. Most (87 percent) reported being White, and 10 percent reported belonging to another racial group. The survey employed regional quotas to ensure that it had respondents from all over New Hampshire. Approximately 65 percent of respondents reported annual household incomes below the federal poverty level. Forty percent reported that a person in their household experiences a disability.

We contracted with the University of New Hampshire Survey Center to conduct three focus groups, which were held in August 2020 via Zoom due to COVID-19 public health precautions. Two focus groups (totaling 12 participants) were comprised of representatives from our client communities, including some former legal aid program clients. The third focus group (with 10 participants) was comprised of health and human services providers who work with our client communities, such as social workers. Of the 22 total focus group participants, 18 were female and four were male. Most were longtime New Hampshire residents who had lived or worked in the state for several decades.

Finally, we conducted three online surveys: one for members of our client communities (28 responses); one for health and human services providers (331 responses); and one for legal aid program staff and board members and the New Hampshire Access to Justice Commission (83 responses).

To provide context for our findings, we relied on research provided by students at the University of New Hampshire Franklin Pierce School of Law, as well as New Hampshire Judicial Branch data.<sup>1</sup>



In this report, we describe several themes that emerged from our research. Due to limitations related to methodology and sample size, it was beyond the scope of our research to collect data about the unique experiences of subgroups, such as people living in different New Hampshire regions; people of varying ages; people who belong to historically marginalized groups, including Black people, Indigenous people, and people of color; people who identify as LGBTQ; and immigrants and refugees. Future studies of civil legal needs should consider building upon and expanding the reach of this study. Meanwhile, as organizations focused on justice for all people, New Hampshire's legal aid programs must continue to emphasize anti-racism, cultural competence, language access, and other strategies that promote equity and inclusivity in civil legal work.

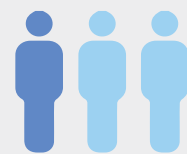
# FINDINGS

## POVERTY AND HEALTH

New Hampshire's civil legal aid programs generally offer services only to people with low incomes. For example, LARC and NHLA accept clients with household incomes up to 200 percent of the federal poverty level — a category that includes approximately 248,000 Granite Staters, or nearly one in five residents.<sup>2</sup> Many civil legal aid clients live in deep poverty. In 2019, 43 percent of NHLA's clients and 55 percent of LARC's clients had household incomes below the federal poverty level, which was just \$495 per week for a household of four that year.<sup>3</sup>



The overall poverty rate in New Hampshire is an estimated 7.3 percent.<sup>4</sup> Poverty disproportionately impacts different subgroups in New Hampshire. For example, women living with young children are particularly susceptible. Among households headed by single women with children under five, a staggering one in three live in poverty.<sup>5</sup> Black or African-American and Hispanic residents are more likely to experience poverty than White (non-Hispanic) residents. New Hampshire residents who identify as Black or African-American experience poverty at an estimated rate of 19.8 percent, well more than twice the estimated 7.2 percent poverty rate for residents who identify as White (non-Hispanic).<sup>6</sup> People who identify as Hispanic have an estimated poverty rate of 17.8 percent. People with disabilities also experience poverty at a higher rate (an estimated 19.6 percent) than people without disabilities (an estimated 5.8 percent).<sup>7</sup> There are also regional differences. Coös County's estimated poverty rate is 12.8 percent, while Rockingham County's is 4.7 percent.<sup>8</sup> We note that census data collected after the COVID-19 pandemic hit New Hampshire is not yet available. Poverty in New Hampshire has likely worsened due to the pandemic.



**1 in 3 single women with children under five live in poverty**



**1 in 5 NH residents are eligible for free legal aid based on income**

Because civil legal aid programs provide services to people living in poverty, day-to-day economic insecurity is pervasive in our client communities. In each of our surveys, economic insecurity itself was among the most significant challenges reported by our client communities. The constant struggle to make ends meet is often inextricably linked with at least one civil legal problem, if not a crisis of several concurrent problems. For example, issues related to housing (often a household's biggest expense) predominated across much of our research. Finding an affordable apartment and avoiding eviction is far more difficult for people of limited means. Our telephone survey revealed a relationship between certain kinds of civil legal problems and economic insecurity. Low-income Granite Staters who had experienced at least one civil legal problem related to property taxes, foreclosure, or family law were more likely than other respondents to report economic insecurity as their biggest problem. They were also more likely than other respondents to have income below \$500 per week.

The telephone survey also found that respondents who reported being taken advantage of or abused due to age or disability; difficulty paying property taxes; divorce, separation, or custody issues; foreclosure; or lack of safe and sanitary housing were more likely to live in the lowest-income households. And those who had a civil legal problem that was financial in nature, such as debt collection or foreclosure, were the most likely to struggle with several other civil legal problems.

Debt collection emerged as the single most frequently reported civil legal problem in our telephone survey, with 13 percent of respondents stating that they had been harassed or sued based on debt. The volume of

debt collection problems is consistent with Judicial Branch data. In 2019, approximately 9,983 consumer credit collection cases were filed in the New Hampshire Circuit Court District Division's small claims docket.<sup>9</sup> That is in addition to the several hundred consumer credit collection cases filed in the New Hampshire Superior Court.<sup>10</sup>

Debt collection provides an acute illustration of the entanglement between poverty and civil legal problems. Of people who reported experiencing problems with debt collection in our telephone survey, nearly 20 percent had also been denied Medicaid or Medicare or had had those benefits terminated (benefits appeals are civil proceedings). Forty-three percent reported issues clearing a criminal record, which can be a significant obstacle to getting a job (clearing a criminal record is a civil proceeding).

Debt collection disproportionately impacts people with disabilities: 20 percent of telephone survey respondents who had a household member with a disability had experienced problems with debt collection, compared to 9 percent of respondents who did not have a household member with a disability.

Like economic insecurity, health and aging are not civil legal problems on their own, but they are frequently interconnected with one or more civil legal problems. In our telephone survey, respondents identified problems with health/aging as causing the most harm in their lives. Problems related to health/aging came in second only to the COVID-19 pandemic when we asked respondents about the biggest problems they face.

## Debt Collection

People with disabilities reported this problem more than

**2x**

as frequently as people without disabilities

## Diane's Story

Diane, 73, prided herself on paying her bills on time, and losing her nursing job during the Great Recession didn't change that.

While looking for new work, Diane used her retirement savings to pay for rent, utilities, and groceries. Diane turned to her credit card when the retirement money was gone. When she couldn't find another nursing job, Diane took a part-time, minimum wage job through the Senior Community Service Employment Program.

It was just enough money to keep up with the interest payments on her growing credit card debt but not the debt itself. Diane was about \$3,000 from maxing out her credit card when she contacted legal aid for help.

"I had no money and no family to help me," Diane said. "I was sinking deeper and deeper and couldn't see my way out. The frustrating part of it was that I was dutifully looking for work and coming up against a wall."

Pro Bono paired Diane with a volunteer attorney who recommended she file bankruptcy. Diane initially resisted but is glad she took the advice.

"I was embarrassed," Diane said. "But my lawyer told me I did not have to feel ashamed or embarrassed and helped me understand that bankruptcy was there for people like me who are in a pickle and need a new start. It is such a huge relief not to have that debt anymore."



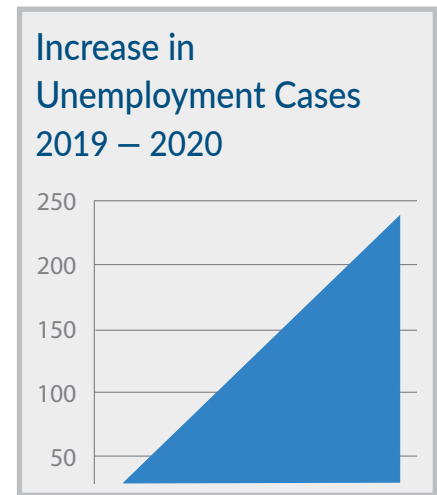
# FINDINGS

## POVERTY AND HEALTH, continued

Health-related issues also emerged as a major theme in our focus groups. For example, participants reported lack of adequate access to mental health care, especially for people relying on Medicaid for health insurance. Participants also described difficulty managing their health while maintaining their income from work. “I got very sick [and] my doctors were telling me that I needed to take [time off and] I couldn’t keep working the hours I was working,” said one participant. “I really needed to take time off of work, but I didn’t know how to go about disability or social security kind of things.”

In terms of both economic insecurity and health, COVID-19 overshadowed all else in 2020. When asked about their biggest problem, telephone survey respondents identified COVID-19 more than any other problem. As of January 17, 2021, 55,945 people in New Hampshire had been infected with COVID-19, and 927 had died, 824 of them over age 70.<sup>11</sup>

In addition to its devastating health impacts, the COVID-19 pandemic also exacerbated economic insecurity for many New Hampshire families. Between 2019 and 2020, NHLA saw a significant uptick in requests for help with unemployment insurance in particular, from 29 to 238.



New Hampshire residents struggling with health, economic security, or both must navigate a complex patchwork of federal, state, and municipal assistance programs — a process that presents civil legal problems when applications are denied or assistance is terminated. In our service provider online survey and client community online survey, respondents frequently reported difficulty accessing needed supports and services. They also reported that the array of supports and services is fundamentally inadequate. During the COVID-19 pandemic, more families have needed assistance to make ends meet. As of January 2021, 137,000 New Hampshire households were receiving assistance from the Department of Health and Human Services Division of Economic and Housing Stability, which administers programs such as Medicaid and the Supplemental Nutrition Assistance Program (SNAP, often called Food Stamps). This was an increase of more than 18,000 households since before the COVID-19 pandemic.<sup>12</sup> New Hampshire Employment Security saw record-breaking claims for unemployment insurance.<sup>13</sup>

## HOUSING

“Housing first” is a mantra repeated across health and human services disciplines and featured prominently in our findings. Low-income people frequently have trouble accessing safe, affordable housing. This problem causes grave harm, including physical and mental illness and developmental delays in children.<sup>14</sup> Civil legal problems related to housing can involve rental housing (for example, evictions) or homeownership (for example, foreclosures).



When we asked low-income people who responded to our online survey to identify the issues that caused the most harm in their lives, nearly 30 percent of responses were related to housing. Service providers named housing as the most frequent and second most harmful problem for their low-income clients. Housing



issues also ranked high in our statewide telephone survey: Property taxes, foreclosures, and safe and clean housing made up half of the top six civil legal issues. Eviction was also regularly identified.

These findings are consistent with data from New Hampshire courts and housing nonprofits. In 2019, landlord-tenant cases were 24 percent of new filings in the New Hampshire Circuit Court District Division.<sup>15</sup> Housing assistance calls to 211, New Hampshire's statewide information and referral hotline for health and human services, totaled 12,074 in 2020, according to data provided by 211 New Hampshire.<sup>16</sup> In 2019, 4,230 people including 820 children stayed in a homeless shelter.<sup>17</sup>

Unemployment resulting from COVID-19 is expected to exacerbate the existing housing crisis. Approximately 44 percent of New Hampshire renters pay more than 30 percent of their income toward rent.<sup>18</sup> Meanwhile, over 30 percent of adults reported living in a household where eviction or foreclosure in the next two months was "very likely" or "somewhat likely."<sup>19</sup> As of December 2020, New Hampshire's Community Action Programs had provided 3,225 people with nearly \$9.8 million in rent and mortgage assistance through the Housing Relief Fund.<sup>20</sup> Low-income tenants in New Hampshire have few alternative affordable housing options: In 2018, the statewide vacancy rate for all rental units was just 1.8 percent.<sup>21</sup> Only 23 percent of two-bedroom units were considered "affordable."<sup>22</sup> When tenants struggle to make rent, the impacts can spill over into the community and the economy more broadly, as when small landlords have difficulty making their own mortgage payments.

## Housing

as ranked by providers:

**#1** Most  
FREQUENT  
problem

**#2** Most  
HARMFUL  
problem

## James' Story

James, who uses a power wheelchair, must cross railroad tracks to get to his local stores, restaurants, and bank. That became nearly impossible when the tracks fell into such disrepair, they became elevated above street level.

The railroad company told James it would fix the problem but never did. James tried to work around the obstacle by going as fast as he could and hoping he didn't tip over or get stuck. "I never knew if I was going to get back home," he said.

One day he nearly didn't.

James was trying to make his way around a hole when the wheels of his chair became stuck. He had to call the fire department for help. The condition of the tracks became so dangerous, James was unable to leave his home independently and was essentially cut off from his community.

James called DRC-NH. An attorney wrote a demand letter to the railroad company. As a result of that advocacy, the railroad company promptly fixed the tracks and James is once again able to safely and independently go to and from town.

"They really helped me," James said of DRC-NH. "Nothing happened until they got involved."



# FINDINGS

## AGING AND DISABILITY

Older adults (age 60 and over) and people with disabilities experience civil legal problems both related and unrelated to age and disability. In our research, common themes among older adults and people with disabilities included abuse, exploitation, difficulty accessing services, and debt collection.

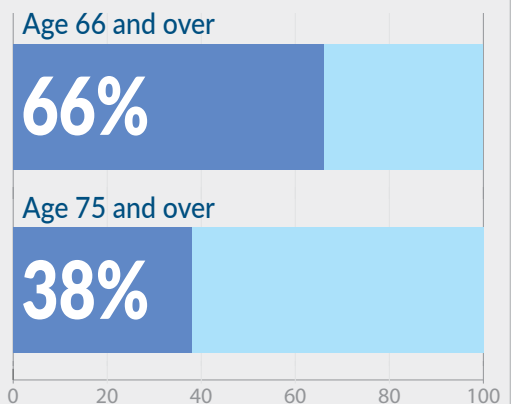


New Hampshire is a rapidly aging state. Adults age 65 and older make up an estimated 18.7 percent of the state's population.<sup>23</sup> By 2030, that percentage is predicted to jump to 33 percent.<sup>24</sup> An estimated 6.2 percent of people age 65 and over have income below the poverty level.<sup>25</sup> Approximately 13 percent of New Hampshire residents have a disability.<sup>26</sup> The economic disparities between people with disabilities and people without disabilities are significant. The poverty rate for people with disabilities is 19.6 percent, compared to 5.8 percent for people without disabilities.<sup>27</sup> People with disabilities are less likely to be employed than people without disabilities,<sup>28</sup> and median earnings for people without disabilities exceed median earnings for people with disabilities by more than \$8,000.<sup>29</sup> This aggravated financial insecurity can produce civil legal problems unrelated to age and disability. In our telephone survey, people with disabilities reported higher rates of foreclosure and debt collection issues than people without disabilities.

Living alone is an added challenge for older adults and people with disabilities — and one that may have become particularly acute during the COVID-19 pandemic. Among our telephone survey respondents, two-thirds of people living alone were age 66 or older, and 38 percent were age 75 or older. Thirty percent of respondents who experience disability reported living alone.

In our telephone survey, respondents with disabilities reported being taken advantage of or abused due to age or disability at nearly three times the rate of respondents without disabilities. They were also more likely to say poor health or issues related to aging were their most significant problems in the past year. Among individuals who reported being taken advantage of or abused due to age or disability, 24 percent reported having Medicaid or Medicare denied or terminated. More than 20 percent said they had problems related to housing.

### Percent of Respondents Living Alone Belonging to Older Age Groups

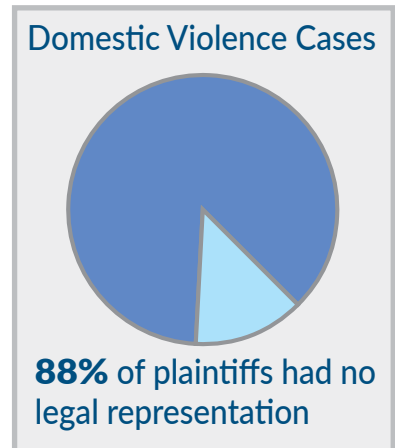


In our focus groups, parents of students with disabilities reported significant challenges accessing special education services, which support nearly 30,000 students with disabilities across New Hampshire.<sup>30</sup> “I have found extreme difficulties . . . making the school adhere to the laws and policies that are in place in the state to allow [my son] to get a proper education,” said one parent. “An example is... trying to get proper evaluations done but the school’s not wanting to do those evaluations because if they classify your son as needing some sort of assistance, then that could ultimately cost them more money, and they don’t like that . . . when you are a low-income disabled parent, it is very difficult to find resources and people out there that can assist you and guide you through this process to make sure your child is going to be taken care of.” In 2020, many public schools have implemented remote or “hybrid” learning as a COVID-19 public health precaution. This has intensified challenges related to special education for many families.

## FAMILY LAW

Family law cases, such as divorce, parenting rights and responsibilities, and child support, are the most frequently filed civil cases in the New Hampshire Circuit Court with the lone exception of small claims cases. In 2019, the Circuit Court Family Division received 13,307 new or reopened family law filings.<sup>31</sup> Our research confirmed that problems with family law are pervasive among low-income people in New Hampshire. Forty-six percent of respondents in our online client survey reported experiencing divorce or legal separation during the last five years. In our telephone survey, divorce was the third most frequently-reported legal problem.<sup>32</sup> Family law problems also surfaced in our service provider focus group. One service provider said, “[L]egal representation is completely missing and so I’m finding myself posed with questions like, ‘Do I . . . go out of my scope of practice and help someone file a motion to change a court order and a parenting petition?’”

Many family law cases involve domestic violence. In 2019, the Circuit Court Family Division received 4,596 new or reopened domestic violence filings.<sup>33</sup> Forty-five percent of people who responded to our client online survey reported problems with domestic violence, sexual assault, or stalking. Despite the extraordinarily high stakes of these cases, in which people seek protection from grave harm including death, many plaintiffs appear in court without an attorney. In 2019, 88 percent of plaintiffs in New Hampshire domestic violence cases went to court without legal representation. Domestic violence affects people of all genders but has a vastly disproportionate impact on women. In 2019, 81 percent of plaintiffs in New Hampshire domestic violence cases were female.<sup>34</sup>



### Crystal's Story

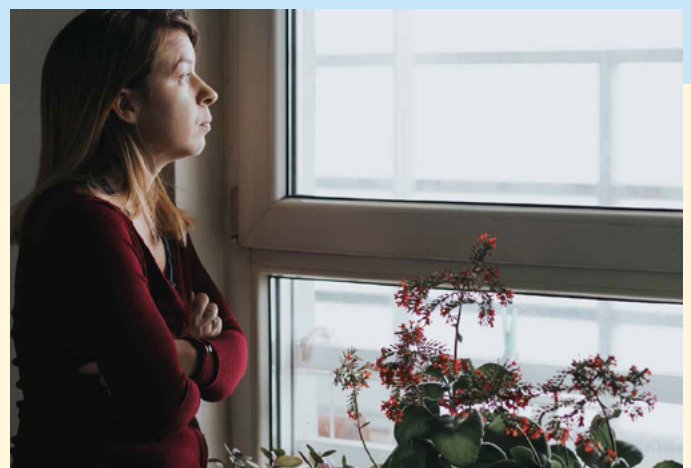
When COVID-19 left Crystal without a job, she told her landlord she would be late with her rent. Her landlord gave her 24 hours to find the money or be kicked out. She told Crystal that she wasn't protected by the state's temporary eviction ban because she rented a room, not an apartment.

Crystal, who'd never missed a rent payment, was 12 weeks pregnant and about to become homeless. "I tried to talk to her about giving me time until I got my unemployment or stimulus check," Crystal said. "She didn't care. I couldn't afford to lose my place to live."

Crystal connected with a paralegal at LARC, who told her how to file an emergency court petition to stop the threatened eviction. The court granted Crystal's request the next day.

"I don't know what I would have done without LARC's help," Crystal said. "LARC gave me confidence to deal with the situation the right way and understand the law. Now I know I have the law on my side and what my rights are. And I didn't before."

When Crystal found a new job, she paid her overdue rent. "That was always my plan," she said.



# RECOMMENDATIONS

## INCREASING AWARENESS OF THE CIVIL LEGAL AID NETWORK



New Hampshire's civil legal aid network is viewed as effective by a large majority of clients, service providers, and stakeholders. However, barriers within the civil legal aid network can keep potential clients from accessing needed legal services. Low-income people, older people, and people with disabilities struggle to navigate the complex array of services available from federal, state, and local governments, as well as nonprofit service providers. The civil legal aid network is not immune from this problem.

Our client communities and fellow service providers told us they do not always know who to call because they do not understand how the civil legal aid programs — DRC-NH, LARC, NHLA, and Pro Bono — differ in their services, and they do not know how best to access services from any program. This feedback is consistent with the programs' own assessment of the civil legal aid network. Recent efforts to reconfigure the network have focused on making the system easier to understand and easier to access.

In 2021, LARC and Pro Bono will merge, forming a civil legal aid program designed to combine and enhance the two programs' historical strengths. One core feature of the program will be an improved and more centralized screening, intake, and referral process. By reducing the number of civil legal aid programs from four to three, and by emphasizing a single point of access, some confusion about the programs and how to obtain services will be alleviated. The merger plan also anticipates a more streamlined, client-friendly referral process both within and outside the civil legal aid network. This reorganization of civil legal services delivery will facilitate cooperation and collaboration among DRC-NH, NHLA, and the merged program (LARC and Pro Bono). This study's findings recommend the merger plan.

Beyond the merger, civil legal aid providers in New Hampshire should enhance outreach efforts directed at both potential clients and service providers. Service providers urged us to do a better job educating the public about the kinds of civil legal services that are available, the fact that they are free to or affordable for low-income people, and how to access them. Ideally, New Hampshire's civil legal aid providers should coordinate both the outreach materials used and the outreach strategies deployed. The launch of the new merged program presents a valuable opportunity to engage in widespread outreach about civil legal aid services in New Hampshire.

## REDUCING BARRIERS IN THE CIVIL LEGAL AID NETWORK



New Hampshire has limited public transportation, particularly outside of the population centers. Service providers encouraged the civil legal aid programs to reduce transportation-related barriers by working with clients in the communities where they live as much as possible. Service providers also recommend expanding outreach in places where low-income people already go, such as local libraries, Community Action Programs, and town offices. Collaborating with aligned institutions will help extend the civil legal aid programs' reach.

The COVID-19 pandemic has been marked by an abrupt and massive transition to the use of web-based technologies for everything from school to work to socializing. Service providers urged us to keep in mind



that many Granite Staters do not have reliable access to devices and high-speed internet or lack technology skills. Civil legal aid solutions that rely on technology will help many people in our client communities but will undoubtedly leave others behind. The civil legal aid network must evaluate service delivery mechanisms that harness technology in ways that will expand the programs' reach, while still preserving traditional access points such as telephone and "walk-in" access.

## INCREASING CAPACITY

Survey participants rated all civil legal aid service types as moderately or very effective but expressed a strong preference for direct representation, in which an attorney or paralegal represents a client in court or another proceeding. Clinics, which we defined as in-person discussions with legal professionals, were the next most highly-rated service type. The civil legal aid network should consider expanding its reliance on clinics, which can serve large numbers of clients in a short time. Clinics are a particularly effective way to leverage both the value of volunteer attorney time and partnerships with law schools in the region. Legal navigator programs, which provide on-the-spot guidance to unrepresented people while they are at court, have great promise. These services help individual litigants manage their cases, alleviate the burden on court staff and judges, and help facilitate dispute resolution with the opposing party.

New Hampshire's civil legal aid programs should also consider devoting additional resources to legal services related to debt collection. The programs do not currently provide a high volume of such services. Our telephone survey demonstrated that debt collection is a frequent civil legal problem for low-income people, with disproportionate impact on the most financially needy Granite Staters and on people with disabilities.

Finally, the civil legal aid network in New Hampshire is just not well-resourced enough to meet the need for low or no cost legal help. Survey and focus group participants called for both increased legal aid staffing and increased access (for example, through extended hours and larger geographic reach). The civil legal aid network should continue to seek opportunities to expand the reach of these essential services for low-income people in New Hampshire.



### Stephen's Story

Unemployment kept Stephen afloat when COVID-19 forced him to close his restaurant. Then, he feared it would bankrupt him when the state told him he had to repay \$11,000 of unemployment benefits because of a paperwork mistake.

"I called the unemployment office four times but never heard back," Stephen said. Instead, Stephen received multiple letters from the state demanding payment and interest. Panicked, Stephen called legal aid.

An NHLA attorney persuaded the state to reconsider its decision. Stephen actually owed the state nothing, like many others who received similar demands. As of November, more than 10,000 people who collected unemployment had received notices demanding they repay some or all of the money.



Photo courtesy of Todd Bookman of NH Public Radio.

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- <sup>8</sup> New Hampshire's Numbers: Resource Inequities by County and Population Group in 2014-2018, *supra* note 5.
- <sup>9</sup> Data courtesy of the New Hampshire Judicial Branch.
- <sup>10</sup> *Id.*
- <sup>11</sup> COVID-19 Overview Dashboard, New Hampshire Department of Health and Human Services (January 17, 2021), available at <https://www.nh.gov/covid19/dashboard/overview.htm>.
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- <sup>31</sup> Data courtesy of the New Hampshire Judicial Branch.
- <sup>32</sup> We believe family law problems may have been underreported in the telephone survey for two reasons. First, family law problems are more common among younger people, and our telephone survey participants tended to be older. Second, family law problems may be so common that people do not identify them as legal issues but rather just "part of life." See, e.g., Rebecca L. Sandefur, Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study, American Bar Foundation/University of Illinois at Urbana-Champaign (2014), available at [https://www.srln.org/system/files/attachments/sandefur\\_accessing\\_justice\\_in\\_the\\_contemporary\\_usa\\_aug\\_2014.pdf](https://www.srln.org/system/files/attachments/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf) (finding that people rarely characterize situations related to the civil justice system as "legal" in nature).
- <sup>33</sup> Data courtesy of the New Hampshire Judicial Branch.
- <sup>34</sup> *Id.* Our telephone survey found that women were more likely to report family law problems other than domestic violence as well. People who reported experiencing divorce, legal separation, or custody issues were more likely to be women by a margin of nearly 2:1.

